



**WELLINGTON**  
SHIRE COUNCIL

# **Agenda Ordinary Council Meeting**

**Tuesday 3 February 2026, commencing at 5:00 PM**

**Meeting to be held at**

**Wellington Centre – Wellington Room, Foster Street, Sale via**

**Microsoft Teams**

**or stream online at <https://www.youtube.com/@wellingtonshire>**

ORDINARY MEETING OF COUNCIL  
TABLE OF CONTENTS

0.1. TABLE OF CONTENTS .....2

1. APOLOGIES .....4

2. DECLARATION OF CONFLICT/S OF INTEREST .....4

3. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S.....4

    3.1. ADOPTION OF MINUTES OF PREVIOUS COUNCIL MEETING .....4

4. BUSINESS ARISING FROM PREVIOUS MEETINGS .....4

5. ACCEPTANCE OF LATE AND URGENT ITEMS .....4

6. NOTICE/S OF MOTION .....4

7. RECEIVING OF PETITION OR JOINT LETTERS.....5

    7.1. OUTSTANDING PETITIONS .....5

8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS .....5

9. QUESTION/S ON NOTICE .....5

    9.1. OUTSTANDING QUESTION/S ON NOTICE .....5

10. DELEGATES REPORT.....6

11. GENERAL MANAGER CORPORATE SERVICES .....7

    11.1. ASSEMBLY OF COUNCILLORS REPORT .....7

    11.2. AUDIT & RISK COMMITTEE MINUTES .....13

    11.3. COUNCIL QUARTERLY PERFORMANCE FINANCE REPORT - DECEMBER 2025...23

    11.4. S6A - INSTRUMENT OF DELEGATION TO COUNCIL STAFF UNDER THE PLANNING  
        AND ENVIRONMENT ACT 1987 .....33

12. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT .....53

    12.1. ROAD EXCHANGE LINK ROAD, LICOLA .....53

13. FURTHER GALLERY AND ONLINE COMMENTS.....61

14. IN CLOSED SESSION .....62

## **COUNCIL MEETING INFORMATION**

*Members of the public gallery should note that the Council records and publishes Council meetings via YouTube to enhance the accessibility of Council meetings to the broader Wellington community. These recordings are also published and archived on Council's Website for viewing by the public. Recordings may be used for publicity or information purposes.*

*Members of the public in attendance at the Council meeting who wish to communicate with the Council regarding an agenda item or any other matter should advise the Mayor, ideally prior to the meeting starting, to ensure that their submission is called at the appropriate time during the meeting.*

*Would gallery visitors, Councillors and invited online attendees please ensure that mobile phones and other electronic devices are turned off or in silent mode for the duration of the meeting.*

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## **MISSION STATEMENT**

*Working together to make a difference. We listen and lead to provide quality services that improve life for all.*

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## **ACKNOWLEDGEMENT OF COUNTRY**

*"Wellington Shire Council acknowledges our offices are located on the traditional lands of the Gunaikurnai nation. We pay our deep respects to their Elders past, present and future and acknowledge their ongoing cultural and spiritual connections to their land and waters."*

## 1. APOLOGIES

## 2. DECLARATION OF CONFLICT/S OF INTEREST

## 3. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S

### 3.1. ADOPTION OF MINUTES OF PREVIOUS COUNCIL MEETING

**ACTION OFFICER: MANAGER GOVERNANCE**

#### **OBJECTIVE**

To adopt the minutes of the Ordinary Council Meeting of 16 December 2025.

#### **RECOMMENDATION**

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 16 December 2025.*

#### **CONFLICT OF INTEREST**

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

## 4. BUSINESS ARISING FROM PREVIOUS MEETINGS

**ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

## 5. ACCEPTANCE OF LATE AND URGENT ITEMS

## 6. NOTICE/S OF MOTION

## **7. RECEIVING OF PETITION OR JOINT LETTERS**

### **7.1. OUTSTANDING PETITIONS**

**ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

<b>ITEM</b>	<b>FROM MEETING</b>	<b>COMMENTS</b>	<b>ACTION BY</b>
NIL			

## **8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS**

## **9. QUESTION/S ON NOTICE**

### **9.1. OUTSTANDING QUESTION/S ON NOTICE**

**ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

<b>ITEM</b>	<b>FROM MEETING</b>	<b>COMMENTS</b>	<b>ACTION BY</b>
NIL			

## 10. DELEGATES REPORT

## 11. GENERAL MANAGER CORPORATE SERVICES

### 11.1. ASSEMBLY OF COUNCILLORS REPORT

#### ACTION OFFICER: MANAGER GOVERNANCE

#### PURPOSE

To report on all assembly of Councillor records received for the period 8 December 2025 to 25 January 2026.

#### RECOMMENDATION

*That Council note and receive the attached Assembly of Councillor records for the period 8 December 2025 to 25 January 2026.*

#### BACKGROUND

Section 80A of the *Local Government Act 1989* required a written record be kept of all assemblies of Councillors, stating the names of all Councillors and Council staff attending, matters considered and any conflict of interest disclosures made by a Councillor. These records were required to be reported at an ordinary meeting of the Council and recorded in the minutes. Under the new *Local Government Act 2020*, this requirement is no longer provided for, however in accordance with good governance, Council will continue to provide records of assemblies of Councillors to ensure that the community are kept informed of Councillors activity and participation.

Following is a summary of all Assembly of Councillor records received for the period 8 December 2025 to 25 January 2026.

#### ATTACHMENTS

1. Assembly of Councillors 9 Dec 2025 - Strategic Land Use Planning Review Group [11.1.1 - 1 page]
2. Assembly of Councillors - 16 Dec 2025 Council Workshops [11.1.2 - 2 pages]

#### OPTIONS

Council has the following options:

1. Note and receive the attached assembly of Councillor records; or
2. Not receive the attached assembly of Councillor records.

#### PROPOSAL

That Council note and receive the attached Assembly of Councillor records during the period 8 December 2025 to 25 January 2026.

## **CONFLICT OF INTEREST**

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

## **COUNCIL PLAN 2025-29**

While this report does not meet a specific Council Plan strategic objective, it aligns with good governance.

## **GENDER IMPACT ASSESSMENT (GIA)**

Officers understand the requirements in relation to conducting GIA's to ensure Council remains compliant with obligations outlined in the *Gender Equality Act 2020*. The following determination was made.

A Gender Impact Assessment was not conducted as the policy, program or service does not meet the assessment requirement criteria.

## **FINANCIAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNICATION IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **LEGISLATIVE IMPACT**

The reporting of written records of assemblies of Councillors to the Council in the prescribed format complied with Section 80A of the *Local Government Act 1989* however, without prescription under the *Local Government Act 2020*, Council will continue to provide these records in accordance with good governance.

## **COUNCIL POLICY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNITY IMPACT**

This impact has been assessed and there is no effect to consider at this time.



**ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

**ENGAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

**RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## ASSEMBLY OF COUNCILLORS - MEETING ORGANISED, HOSTED OR SUPPORTED BY COUNCIL

<b>NAME OF MEETING</b>	STRATEGIC LAND USE PLANNING PROJECT REVIEW GROUP
<b>DATE OF MEETING</b>	9 DECEMBER 2025

ASSEMBLY OF COUNCILLORS AND OFFICERS IN ATTENDANCE			
COUNCILLOR	ATTENDANCE	OFFICERS IN ATTENDANCE	
<i>Cr Catherine Bannerman</i>	YES	Chris Hastie	General Manager Built and Natural Environment
<i>Cr Liz Foat</i>	YES	Barry Hearsey	Manager Planning and Building
<i>Cr John Tatterson</i>	YES	Sam Pye	Manager Built Environment
		Joshua Clydesdale	Major Projects and Principal Strategic Planner
		Nicole Reynolds	Coordinator Strategic Planning
		Caragh Button	Strategic Planner
MATTERS CONSIDERED IN THE MEETING			
<b>Meeting Agenda</b> <ul style="list-style-type: none"> <li>• Meeting Minutes</li> <li>• Outstanding Actions</li> <li>• Strategic Planning Work</li> <li>• Incoming Correspondence</li> <li>• Planning Scheme Amendment Requests</li> <li>• General Business / Other Business</li> <li>• Next Meeting</li> </ul>			
CONFLICTS OF INTEREST NOTED*			
NIL			

\* In accordance with Rule 18.5(1) of the Wellington Shire Council Governance Rules a Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.

## ASSEMBLY OF COUNCILLORS AND OFFICERS IN ATTENDANCE - COUNCIL DAY

COUNCIL WORKSHOPS – 16 DECEMBER 2025			
COUNCILLOR	ATTENDANCE	OFFICERS IN ATTENDANCE	
<i>Cr Scott Rossetti (Mayor)</i>	YES	<b>David Morcom</b>	Chief Executive Officer
<i>Cr Cindy Madeley (Deputy Mayor)</i>	YES	<b>Arthur Skipitaris</b>	General Manager Corporate Services
<i>Cr Catherine Bannerman</i>	YES	<b>Chris Hastie</b>	General Manager Built and Natural Environment
<i>Cr Liz Foat</i>	YES	<b>Andrew Pomeroy</b>	General Manager Development
<i>Cr Edward Lowe</i>	YES		
<i>Cr Garry Stephens</i>	YES		
<i>Cr Carmel Ripper</i>	YES		
<i>Cr John Tatterson</i>	YES		
<i>Cr Geoff Wells</i>	YES		
CONFLICTS OF INTEREST NOTED*			
NIL			

\* In accordance with Rule 18.5 of the Wellington Shire Council Governance Rules a Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.

WORKSHOP DETAILS – 16 DECEMBER 2025		
ITEM NO.	WORKSHOP TITLE	PRESENTERS
1.1	<b>UPDATE ON SHARED SERVICES</b>	<ul style="list-style-type: none"> <li><i>Arthur Skipitaris, General Manager Corporate Services</i></li> </ul> <i>Conflict of Interest: NIL</i>
1.2	<b>RISK MANAGEMENT FRAMEWORK</b>	<ul style="list-style-type: none"> <li><i>Carly Bloomfield, Manager Governance</i></li> <li><i>Keisha Roy, Coordinator Governance and Risk</i></li> </ul> <i>Conflict of Interest: NIL</i>

## ASSEMBLY OF COUNCILLORS AND OFFICERS IN ATTENDANCE - COUNCIL DAY

WORKSHOP DETAILS – 16 DECEMBER 2025		
ITEM NO.	WORKSHOP TITLE	PRESENTERS
1.3	<b>BLOCKBUSTER EXHIBITION FRAMEWORK 2026-2030</b>	<ul style="list-style-type: none"> <li>• Simon Gregg, Director Gippsland Art Gallery</li> <li>• Ross McWhirter, Manager Culture and Leisure</li> </ul> Conflict of Interest: NIL
1.4	<b>DRAFT WASTE POLICY UPDATE</b>	<ul style="list-style-type: none"> <li>• Samantha Nock, Coordinator Waste and Sustainability</li> </ul> Conflict of Interest: NIL
1.5	<b>RESIDENTIAL LAND SUPPLY – WELLINGTON SHIRE</b>	<ul style="list-style-type: none"> <li>• Joshua Clydesdale, Major Projects and Principal Strategic Planner</li> </ul> Conflict of Interest: NIL
1.6	<b>DEVELOPMENT DIVISION UPDATE</b>	<ul style="list-style-type: none"> <li>• Ashley Smirl, Acting Manager Economic Development</li> <li>• Barry Hearsey, Manager Planning and Building</li> <li>• Rosina Davidson-Tuck, Manager Community Development</li> <li>• Ross McWhirter, Manager Culture and Leisure</li> </ul> Conflict of Interest: NIL
1.7	<b>DISABILITY INCLUSION AND ACCESS PLAN</b>	<ul style="list-style-type: none"> <li>• Rosina Davidson-Tuck, Manager Community Development</li> </ul> Conflict of Interest: NIL

## 11.2. AUDIT & RISK COMMITTEE MINUTES

### ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

#### PURPOSE

To receive and note the minutes of the Audit & Risk Committee meeting held on 26 November 2025.

#### RECOMMENDATION

***That Council:***

- 1. Receive and note the minutes in brief of the Audit & Risk Committee held 26 November 2025, as attached, and the confidential attachment Audit & Risk Committee Minutes of 26 November 2025; and***
- 2. Note that the information contained in the confidential attachment Audit & Risk Committee Minutes of 26 November 2025 of this Council meeting agenda was designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Corporate Services on 10 December 2025 because it relates to the following grounds:***
  - e) legal privileged information; and***
  - l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

#### BACKGROUND

Council maintains an Audit & Risk Committee in accordance with section 53 of the *Local Government Act 2020*. The Audit & Risk Committee is an independent advisory Committee to Council and its primary objective is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development. Minutes of the Audit & Risk Committee are reported direct to Council.

A copy of the minutes in brief from the Audit & Risk Committee meeting of 26 November 2025 is attached and is provided for the information of Council and the public in general.

#### ATTACHMENTS

1. Audit Risk Committee minutes in brief 26 November 2025 [**11.2.1** - 6 pages]
2. Confidential Header - Audit & Risk Committee Minutes [**11.2.2** - 1 page]
3. CONFIDENTIAL REDACTED - Audit & Risk Committee Minutes of 26 November 2025 [**11.2.3** - 229 pages]

#### OPTIONS

Council has the following options available:

1. To receive and note the minutes from the Audit & Risk Committee meeting of 26 November 2025; or
2. To seek further information and consider the minutes at a future meeting.

## **PROPOSAL**

To receive and note the minutes of the Audit & Risk Committee meeting held on 26 November 2025.

## **CONFLICT OF INTEREST**

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

## **COUNCIL PLAN 2025-29**

While this report does not meet a specific Council Plan strategic objective, it aligns with good governance.

## **GENDER IMPACT ASSESSMENT (GIA)**

Officers understand the requirements in relation to conducting GIA's to ensure Council remains compliant with obligations outlined in the *Gender Equality Act 2020*. The following determination was made.

A Gender Impact Assessment was not conducted as the policy, program or service does not meet the assessment requirement criteria.

## **FINANCIAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNICATION IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **LEGISLATIVE IMPACT**

The *Local Government Act 2020*, section 53(1) requires Council to establish an audit committee. Council's Audit & Risk Committee is an Advisory Committee to Council and operates within the Terms of Reference and Charter adopted by Council.

The Audit & Risk Committee Terms of Reference require the minutes of the Audit & Risk Committee to be forwarded to an ordinary meeting of the Council, including a report explaining any specific recommendations and key outcomes.

This report complies with the legislative requirements and the Audit & Risk Committee Terms of Reference requirements.

## **COUNCIL POLICY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNITY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENGAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **RISK MANAGEMENT IMPACT**

The Audit & Risk Committee Charter identifies the management of risk as one of the primary objectives of the Audit & Risk Committee. The Audit & Risk Committee monitors the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems in place.

## AUDIT & RISK COMMITTEE MINUTES IN BRIEF – 26 NOVEMBER 2025

Present: Mr Tony Smith (Chair) (via Teams)  
Dr Craig Nisbet (via Teams)  
Ms Leanne Mulcahy (via Teams)  
Councillor Geoff Wells  
Councillor Catherine Bannerman (for In Camera Session only)

In attendance: Mr Arthur Skipitaris (Acting Chief Executive Officer)  
Mr Kapil Kukreja (HLB Mann Judd) (via Teams)  
Mr Jaideep Mor (HLB Mann Judd) (via Teams)  
Ms Sheryl Saynor (Executive Support Corporate Services)

### 1 Welcome

The Committee welcomed new member, Leanne Mulcahy to her first meeting.

### 2 Apologies

David Morcom, Chief Executive Officer  
Councillor Catherine Bannerman (in attendance for In Camera Session only)

### 3 Closure of Meeting to Public

***Craig Nisbet/Leanne Mulcahy***

***That the meeting be closed to the public under Section 66(5) of the Local Government Act 2020 to discuss legal privileged information and information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

**CARRIED**

### 4 Declaration of Conflict(s) of Interest

Nil

### 5 Adoption of Previous Minutes - 22 September 2025

***Craig Nisbet/Tony Smith***

***That the Committee adopt the minutes of the previous meeting held on 22 September 2025.***

**CARRIED**

### 6 In Camera Session (conducted at 1.00pm)



**7.1 Election of Chair**

***Craig Nisbet/Leanne Mulcahy***

***That the Audit & Risk Committee recommend to Council that it endorse the election of Tony Smith as Chair of the Committee.***

***That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 19 November 2025 because it relates to the following grounds:***

***(I) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

***be designated confidential information under Clause 3(1) of the Local Government Act 2020.***

***CARRIED***

**7.2 Actions from Previous Minutes**

***Councillor Geoff Wells/Leanne Mulcahy***

***That the Audit & Risk Committee recommend to Council that it receive the report.***

***That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 19 November 2025 because it relates to the following grounds:***

***(I) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

***be designated confidential information under Clause 3(1) of the Local Government Act 2020.***

***CARRIED***

**7.3 Strategic Internal Audit Plan**

***Councillor Geoff Wells/Craig Nisbet***

***That the Audit & Risk Committee recommend to Council that it receive the report.***

***That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 19 November 2025 because it relates to the following grounds:***

***(I) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

***be designated confidential information under Clause 3(1) of the Local Government Act 2020.***

***CARRIED***

**7.4 Internal Audit: Review of Statutory Planning**

***Leanne Mulcahy/Craig Nisbet***

***That the Audit & Risk Committee recommend to Council that it receive the report.***

***That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 19 November 2025 because it relates to the following grounds:***

***(I) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

***be designated confidential information under Clause 3(1) of the Local Government Act 2020.***

***CARRIED***

**7.7 Work Health Safety Matters**

***Councillor Geoff Wells/Craig Nisbet***

***That the Audit & Risk Committee recommend to Council that it receive the report.***

***That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 19 November 2025 because it relates to the following grounds:***

- (I) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

***be designated confidential information under Clause 3(1) of the Local Government Act 2020.***

***CARRIED***

**7.5 Internal Audit Status Report**

***Craig Nisbet/Leanne Mulcahy***

***That the Audit & Risk Committee recommend to Council that it receive the report.***

***That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 19 November 2025 because it relates to the following grounds:***

- (I) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

***be designated confidential information under Clause 3(1) of the Local Government Act 2020.***

***CARRIED***

**7.6 Status of Audit Recommendations**

***Councillor Geoff Wells/Craig Nisbet***

***That the Audit & Risk Committee recommend to Council that it receive the report.***

***That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 19 November 2025 because it relates to the following grounds:***

- (I) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

***be designated confidential information under Clause 3(1) of the Local Government Act 2020.***

***CARRIED***

**7.8 Six Monthly Review of Strategic Risks**

***Leanne Mulcahy/Councillor Geoff Wells***

***That the Audit & Risk Committee recommend to Council that it endorse the attached strategic risks.***

***That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 19 November 2025 because it relates to the following grounds:***

- (I) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

***be designated confidential information under Clause 3(1) of the Local Government Act 2020.***

***CARRIED***

**7.9 Operational Risks that have a rating of extreme or high**

**Craig Nisbet/Councillor Geoff Wells**

***That the Audit & Risk Committee recommend to Council that it receive the report.***

***That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 19 November 2025 because it relates to the following grounds:***

- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

***be designated confidential information under Clause 3(1) of the Local Government Act 2020.***

**CARRIED**

**7.10 Review of Council Policies**

**Leanne Mulcahy/Craig Nisbet**

***That the Audit & Risk Committee recommend to Council that it receive the report.***

***That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 19 November 2025 because it relates to the following grounds:***

- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

***be designated confidential information under Clause 3(1) of the Local Government Act 2020.***

**CARRIED**

**7.11 Review of Audit & Risk Committee Charter****7.12 ICT and Cyber Security Update**

**Councillor Geoff Wells/Leanne Mulcahy**

***That the Audit & Risk Committee recommend to Council that it receive the report.***

***That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 19 November 2025 because it relates to the following grounds:***

- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

***be designated confidential information under Clause 3(1) of the Local Government Act 2020.***

**CARRIED**

**7.13 Fraud Report (including Red Flag Report)**

**Craig Nisbet/Leanne Mulcahy**

***That the Audit & Risk Committee recommend to Council that it receive the report.***

***That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 19 November 2025 because it relates to the following grounds:***

- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

***be designated confidential information under Clause 3(1) of the Local Government Act 2020.***

**CARRIED**

#### 7.14 Summary of Gifts Register

**Craig Nisbet/Leanne Mulcahy**

*That the Audit & Risk Committee recommend to Council that it receive the report.*

*That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 19 November 2025 because it relates to the following grounds:*

- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.*

*be designated confidential information under Clause 3(1) of the Local Government Act 2020.*

**CARRIED**

#### 7.15 Financials

**Councillor Geoff Wells/Craig Nisbet**

*That the Audit & Risk Committee recommend to Council that it receive the report.*

*That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 19 November 2025 because it relates to the following grounds:*

- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.*

*be designated confidential information under Clause 3(1) of the Local Government Act 2020.*

**CARRIED**

#### 7.16 Register of Commissioned Reports

**Craig Nisbet/Councillor Geoff Wells**

*That the Audit & Risk Committee recommend to Council that it receive the report.*

*That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 19 November 2025 because it relates to the following grounds:*

- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.*

*be designated confidential information under Clause 3(1) of the Local Government Act 2020.*

**CARRIED**

#### 7.17 Key Risk Matters

**Craig Nisbet/Councillor Geoff Wells**

*That the Audit & Risk Committee recommend to Council that it receive the report.*

*That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 19 November 2025 because it relates to the following grounds:*

- (l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.*

*be designated confidential information under Clause 3(1) of the Local Government Act 2020.*

**CARRIED**

#### 7.18 Insurance Report

**Leanne Mulcahy/Councillor Geoff Wells**

*That the Audit & Risk Committee recommend to Council that it receive the report.*

*That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 19 November 2025 because it relates to the following grounds:*

*(l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.  
be designated confidential information under Clause 3(1) of the Local Government Act 2020.  
CARRIED*

**8.1 Rotating Assessment of and Feedback on Meeting**

**THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 3.37PM.**



WELLINGTON  
SHIRE COUNCIL

*The Heart of Gippsland*

## ORDINARY COUNCIL MEETING 03 FEBRUARY 2026

I declare that the information contained in the attachment **AUDIT & RISK COMMITTEE MINUTES OF 26 NOVEMBER 2025** is confidential because it contains confidential information as defined in section 3(1) of the *Local Government Act 2020*:

- e) legal privileged information; and
- l) information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*.

.....  
**ARTHUR SKIPITARIS**  
General Manager Corporate Services  
10 December 2025

## 11.3. COUNCIL QUARTERLY PERFORMANCE FINANCE REPORT - DECEMBER 2025

### ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

#### PURPOSE

For Council to receive and note the Quarterly Performance Finance Report - December 2025 for the Wellington Shire Council and endorse the Chief Executive Officer's advice that a revised 2025/26 budget is not required.

#### RECOMMENDATION

***That Council:***

- 1. *Receive and note the Quarterly Performance Finance Report - December 2025 for the Wellington Shire Council as attached; and***
- 2. *Endorse the Chief Executive Officer's advice that a revised 2025/26 budget is not required.***

#### BACKGROUND

The Quarterly Performance Finance Report - December 2025 for Wellington Shire Council comprises an overview of Council finances. This includes an Income Statement, a Balance Sheet with commentary regarding any major variances, information on cash balances, the level of rates outstanding and a progress update on Council's Capital Works program.

Sections 97(1) and 97(2) of the *Local Government Act 2020* (the Act) requires that at least every three months, the Chief Executive Officer must ensure that a statement comparing budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to Council at a Council meeting which is open to the public.

Section 97(3) of the Act requires that the second quarterly report of a financial year must include a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required. The Chief Executive Officer advises that a revised 2025/26 budget is not required.

#### ATTACHMENTS

1. Council Quarterly Performance Finance Report - December 2025 [**11.3.1** - 7 pages]

#### OPTIONS

Following consideration of the attached Quarterly Performance Finance Report - December 2025, Council can resolve to either:

1. Receive and note the Council Quarterly Performance Finance Report - December 2025 and endorse the Chief Executive Officer's advice that a revised 2025/26 budget is not required; or
2. Not receive and note the Council Quarterly Performance Finance Report - December 2025 and not endorse the Chief Executive Officer's advice that a revised 2025/26 budget is not required and seek further information for consideration at a later Council meeting.

## **PROPOSAL**

That Council receive and note the attached December 2025 Council Performance Finance Report and endorse the CEO's advice that a revised 2025/26 budget is not required.

## **CONFLICT OF INTEREST**

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

## **COUNCIL PLAN 2025-29**

While this report does not meet a specific Council Plan strategic objective, it aligns with good governance.

## **GENDER IMPACT ASSESSMENT (GIA)**

Officers understand the requirements in relation to conducting GIA's to ensure Council remains compliant with obligations outlined in the *Gender Equality Act 2020*. The following determination was made.

A Gender Impact Assessment was not conducted as the policy, program or service does not meet the assessment requirement criteria.

## **FINANCIAL IMPACT**

Provision of a monthly financial report to the community facilitates accountability and transparency and ensures that Council and management are able to make informed decisions in a timely manner.

## **COMMUNICATION IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **LEGISLATIVE IMPACT**

Sections 97(1) and 97(2) of the *Local Government Act 2020* require that at least every three months, the Chief Executive Officer must ensure that a statement comparing budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to Council at a Council meeting which is open to the public.

Section 97(3) of the Act requires that the second quarterly report of a financial year must include a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required. The Chief Executive Officer advises that a revised 2024/25 budget is not required.



## **COUNCIL POLICY IMPACT**

The December 2025 Council Performance Report has been prepared in the context of existing Council policies.

## **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNITY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENGAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.



WELLINGTON  
SHIRE COUNCIL

# **December 2025**

## **Quarterly Finance Summary**

**Incorporated in Quarterly Performance Report**

**OPERATING RESULT STATEMENT**  
For the period ending 31 December 2025

	YEAR TO DATE			FULL YEAR 2025-26		
	Actual	Adopted Budget	Variance	Forecast	Adopted Budget	Variance
	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's
<b>Income</b>						
Rates and charges	75,656	74,705	951	76,138	75,513	625
Statutory fees & fines	558	516	42	1,017	1,017	-
User fees	5,716	5,152	564	11,664	11,664	-
Grants - operating	6,221	5,766	455	21,956	21,368	588
Grants - capital	966	1,670	(704)	13,496	13,575	(79)
Contributions - operating (monetary)	1,800	225	1,575	2,088	563	1,525
Contributions - capital (monetary)	-	90	(90)	710	735	(25)
Contributions - non monetary	1,298	835	463	1,670	1,670	-
Other income	4,447	3,055	1,392	7,468	7,388	80
<b>Total Income (Inc capital income)</b>	<b>96,662</b>	<b>92,014</b>	<b>4,648</b>	<b>136,207</b>	<b>133,493</b>	<b>2,714</b>
<b>Expenditure</b>						
Employee costs	18,838	19,129	291	38,404	38,404	-
Materials and services	22,898	22,121	(777)	41,653	41,356	(297)
Bad and doubtful debts	27	8	(19)	30	16	(14)
Depreciation and amortisation	17,008	15,061	(1,947)	37,150	35,200	(1,950)
Borrowing costs	108	112	4	224	224	-
Finance cost leases	8	36	28	73	73	-
Other expenses	305	311	6	787	787	-
Net loss/(gain) on disposal of property, infrastructure, plant & equipment	(786)	294	1,080	350	426	76
<b>Total Expenditure</b>	<b>58,406</b>	<b>57,072</b>	<b>(1,334)</b>	<b>118,671</b>	<b>116,486</b>	<b>(2,185)</b>
<b>Surplus for the year</b>	<b>38,256</b>	<b>34,942</b>	<b>3,314</b>	<b>17,536</b>	<b>17,007</b>	<b>529</b>

*Note: The forecast figures reflect any known changes that have arisen since the adoption of the original budget. The forecast enables Council to more accurately monitor financial performance during the year and predict the end of year position. However, Council must report publicly against the original adopted budget on a quarterly basis.*

### Mid-Year Review

- The Mid-Year Review has identified a favourable, adjustment of \$0.5 million to the forecast year-end result.
- This improvement is primarily driven by additional contributions received from developers and increased street scheme income. These positive movements have been partially offset by higher projected expenses.
- In keeping with Section 97(3) of the Local Government Act 2020, it is forecast that no material variations are anticipated, and on that basis, the CEO advises that a revised 2025/26 budget is not required.

## Adopted Budget to YTD Actuals

The result for the quarter ending 31 December 2025 reflects a surplus of \$38.3M against an adopted budget surplus of \$35.0M, resulting in a favourable variance of \$3.3M. The variance is a combination of operating result (operating income less operating expense) of \$2.9M and the impact of capital grants and contributions (non-monetary) of \$0.4M.

### A summary of major variances that have occurred to date include:

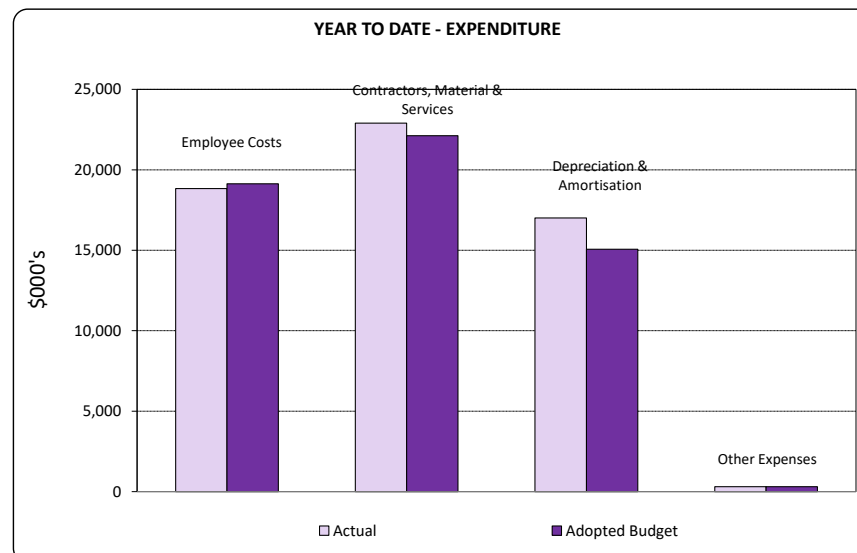
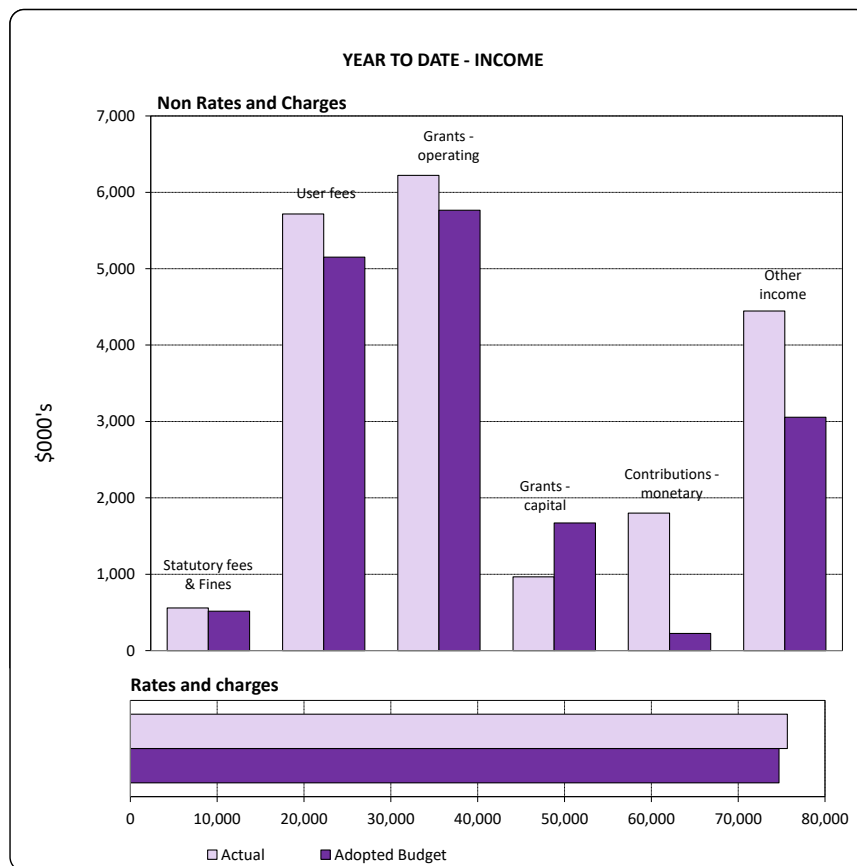
#### Operating Income

- **\$0.95 million**      **Rates & charges** - The majority of the variance represents additional rates struck since the 2025/26 budget adoption. \$0.47M relates to special scheme charges, which will be allocated to future infrastructure upgrades.
- **\$0.56 million**      **User fees** - Landfill gate fees will be received on an ongoing basis throughout the year based on waste processed and as of 31 December 2025 amounts to \$2.7M, it is currently \$0.58M over budget, and on track to reach the annual projection of \$4.6M by 30 June 2026. This is slightly offset by less fees earned from Gippsland Regional Livestock Exchange and The Wedge due to lower demand for the services.
- **\$0.46 million**      **Grants (operating)** - Annual grant for library support services was received earlier than projected. New funding has been received for Flooding Creek Restoration Project, Vaccine Helpers and Safer Together programs totalling \$0.15M. Other community grants for Active Travel, centralised registration scheme and local government partnership were received earlier than projected totalling approximately \$0.2M.
- **(\$0.70 million)**      **Grants (capital)** - Major capital grants yet to be received/claimed include Thomson - Simpson Street (\$0.4M) works are complete for the kerb and channelling with the asphalt works on track to be completed in February 2025, Seaton - Glenmaggie Road/ Seymours lane (\$0.3M) works to commence in January 2026 and the Library RFID project (\$0.2M). Final claims made for the Aqua Energy completion \$0.1M and the completion of Sale - North Drainage \$0.08M.
- **\$1.58 million**      **Contributions - Operating (monetary)** - The variance primarily relates to developer contributions received towards Council adopted North Sale Infrastructure development. This contribution will be transferred to reserve and used to fund future infrastructure projects. Other external contributions for the ANZAC Week Air Show and Integrated Emergency Power Enhancement projects were received earlier than anticipated.
- **\$0.46 million**      **Contributions - capital (non monetary)** - Gifted assets recognised during the year mainly for footpaths and roads.
- **\$1.39 million**      **Other income** - The majority of the variance reflects donation income recognised for the Aqua Energy Redevelopment project in 2025/26. Interest income is also above budget, driven by steadily increasing interest rates. In addition, recent rental adjustments to align Council-owned property leases with current market rates have increased the annual rental revenue to be received.

#### Operating Expenditure

- **\$0.29 million**      **Employee costs** - The underspend in employee costs is primarily due to organisational vacancies and varied leave arrangements, which have affected the timing of expenses during the first half of the financial year. This has been partially offset by higher casual staffing costs required to maintain library and leisure service operations on weekends and public holidays.
- **(\$0.78 million)**      **Contractors, materials and services variance includes:**  
All variances listed below are related to the timing of expenditure and are not expected to impact the year end results;
  - a. **(\$0.92M)** - Works on the Longford landfill landscape project is progressing ahead of schedule.
  - b. **(\$0.76M)** - Materials for Kerbside residual disposal works completed to date, offset by lower software maintenance costs than anticipated to date.
  - c. **\$0.43M** - Maternal & Child Health contributions, and operating subsidies towards community and recreation facilities yet to be paid.
  - d. **\$0.27M** - Utilities costs yet to be incurred towards pools, street lighting, and parks and reserves.
  - e. **\$0.20M** - Kerbside collection and waste management costs related to bushfire response yet to be incurred, offset by EPA levy fees paid earlier than expected.

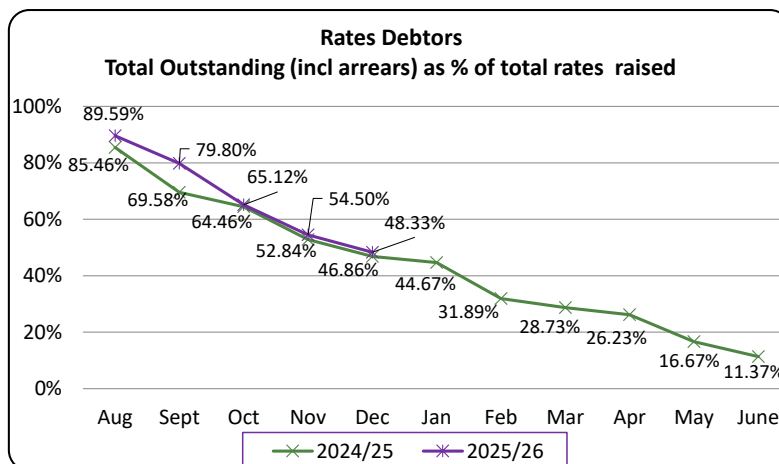
## DECEMBER 2025 COMPONENTS AT A GLANCE



## BALANCE SHEET

As at 31 December 2025

Actual		Actual	Forecast	Adopted Budget
December 24		December 25	June 26	June 26
\$000's		\$000's	\$000's	\$000's
<b>Assets</b>				
168,766	Total Current Assets	177,235	123,739	123,739
1,424,212	Total Non Current Assets	1,473,942	1,502,235	1,502,235
<b>1,592,978</b>	<b>Total Assets</b>	<b>1,651,177</b>	<b>1,625,974</b>	<b>1,625,974</b>
<b>Liabilities</b>				
29,382	Total Current Liabilities	23,010	29,151	29,151
19,116	Total Non Current Liabilities	23,826	20,629	20,629
<b>48,498</b>	<b>Total Liabilities</b>	<b>46,836</b>	<b>49,780</b>	<b>49,780</b>
<b>1,544,480</b>	<b>Net Assets</b>	<b>1,604,341</b>	<b>1,576,194</b>	<b>1,576,194</b>



Rate debtors outstanding at the end of 31 December 2025 were \$41.0M (48.3%) compared to 31 December 2024 of \$38.0M (46.8%).

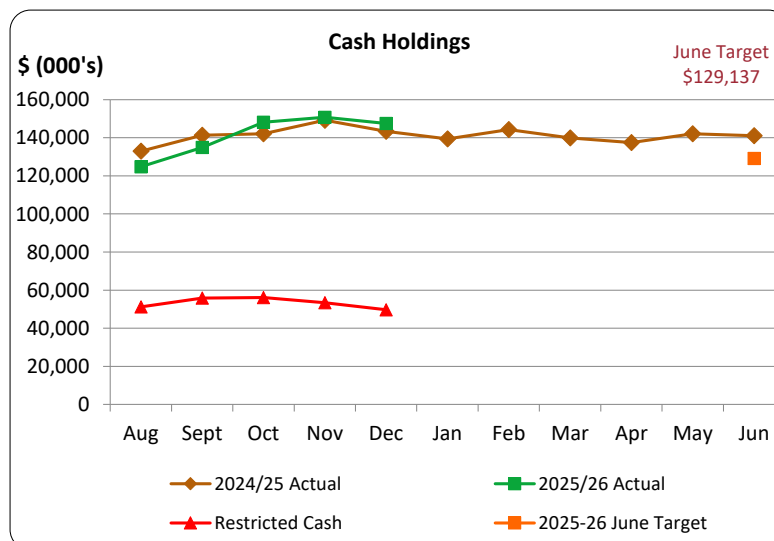
The two remaining rate instalments for the year are due on 28 February and 31 May 2026.

The introduction of the rates payment platform "Payble", is having a positive impact on rate payments and provides ratepayers with flexible payment options.

Council cash holdings at the end of December 2025 are \$147.5M, higher than December 2024 of \$143.2M, due to more term deposits greater than 90 days on 30 December 2025.

Current cash holdings include \$50.0M in restricted funds: \$15.0M to cover reserves, \$32.2M to cover provisions and trusts, \$2.5M associated with carried forwards.

The balance is generally working capital for ongoing operations.



**Restricted cash is money that is reserved for specific purposes and therefore not available for general business use.**

## CAPITAL EXPENDITURE PROGRAM FOR THE PERIOD ENDING 31 DECEMBER 2025

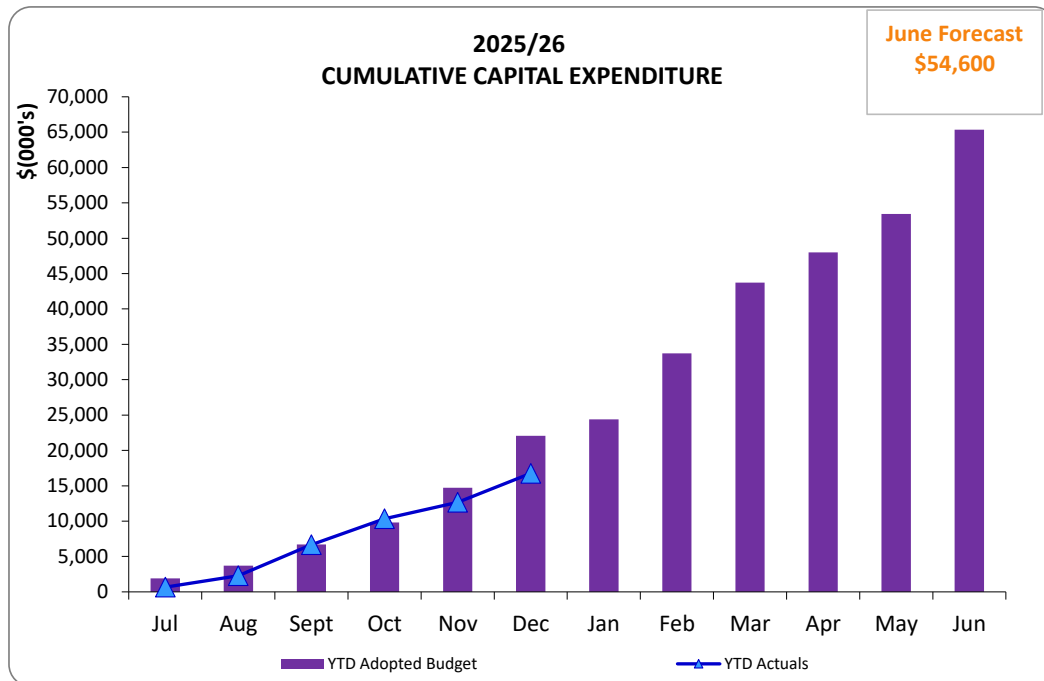
	PERIOD ENDING 31 DECEMBER 2025			
	Actual	Year End Forecast	Adopted Budget	Actual Variance to Adopted
	\$000's	\$000's	\$000's	\$000's
Property	4,764	8,635	12,593	3,958
Infrastructure	9,887	40,495	43,945	3,450
Plant and Equipment	2,082	4,765	5,099	334
Intangibles	26	705	995	290.00
<b>Grand Total</b>	<b>16,759</b>	<b>54,600</b>	<b>62,632</b>	<b>8,032</b>

	PERIOD ENDING 31 DECEMBER 2025			
	Actual	Year End Forecast	Adopted Budget	Actual Variance to Adopted
	\$000's	\$000's	\$000's	\$000's
Renewal	11,677	38,230	43,507	5,277
Upgrade	3,191	10,349	10,058	(291)
Expansion	1,891	6,021	9,067	3,046
New Assets	-	-	-	-
<b>Grand Total</b>	<b>16,759</b>	<b>54,600</b>	<b>62,632</b>	<b>8,032</b>

### Capital Works Summary - Period Ending 31 December 2025

- Overall 25 projects are at practical completion, 48 more projects are underway and 30 projects have had contracts awarded but not yet commenced. 35 projects are in pre-planning (development of the concept design, the detail design, community consultation and seeking quotes or tenders).
- The multi year Aqua Energy Sale works were completed with the official opening held in October 2025.
- Yarram pool water treatment plant works were completed with the pool opening in December 2025 for the summer season.
- The following road projects have been completed: Duke St Reconstruction Yarram, Williamson Road Reconstruction Denison, Marshalls Road Reconstruction Denison and Deans Road Reconstruction Tinamba.
- North Sale Development drainage works are complete with landscaping works to be completed.
- Work has commenced on the Annual Footpath renewal program.

## CAPITAL EXPENDITURE PROGRAM FOR THE PERIOD ENDING 31 DECEMBER 2025





## 11.4. S6A - INSTRUMENT OF DELEGATION TO COUNCIL STAFF UNDER THE PLANNING AND ENVIRONMENT ACT 1987

### ACTION OFFICER: MANAGER GOVERNANCE

#### PURPOSE

For Council to adopt the S6A – Instrument of Delegation to Council Staff under the *Planning and Environment Act 1987*.

#### RECOMMENDATION

***That Council, in the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, resolve that –***

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached S6A – Instrument of Delegation to Council Staff under the Planning and Environment Act 1987, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;***
- 2. The instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer; and***
- 3. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***

#### BACKGROUND

This instrument authorises Council to delegate new or amended powers and functions introduced under the *Planning and Environment Act 1987*, as amended by the *Consumer and Planning Legislation Amendment (Housing Statement Reform) Act 2025*, to designated staff members.

#### New Council powers

- The amendments to the Act include a revised mechanism in relation to preparing amendments to the planning scheme, which will generally require authorisation from the Minister as set out in the new Division 1AA of Part 3 (ss 16A – 16N).
- Other changes relevant to Councils relate to the abandoning of amendments, and the ability of the Minister to continue with the amendment despite the abandonment.

### **Repealed Council powers**

- Some provisions of the Act have been repealed which previously set out delegable powers and functions of Council, namely in ss 8A and 8B. Those powers have largely been replaced by the new powers in Division 1AA of Part 3.

### **Other key amendments**

- There are a number of other amendments to the Act which Council should note. These include:
  - levy exemption certificates (s 96UB), which Council is required to keep a record of (s 96Z);
  - duty not to refer frivolous, vexatious or wholly irrelevant submissions to the panel (s 23(6)); and
  - the Minister being able to issue guidelines on material detriment (s 52A), which Council will be required to consider (ss 52(1D), 57B(2A), 96C(1A)).

The S6A– Instrument of Delegation to Council Staff under the *Planning and Environment Act 1987* instrument is designed to complement the S6 Instrument of Delegation which was adopted on 7 October 2025.

### **ATTACHMENTS**

1. S6A Instrument of Delegation - Planning and Environment Act 1987 [**11.4.1** - 16 pages]

### **OPTIONS**

Council has the following options available:

1. To adopt the S6A – Instrument of Delegation to Council Staff under the *Planning and Environment Act 1987*, as amended by the *Consumer and Planning Legislation Amendment (Housing Statement Reform) Act 2025*; or
2. To not adopt the S6A – Instrument of Delegation to Council Staff under the *Planning and Environment Act 1987*, as amended by the *Consumer and Planning Legislation Amendment (Housing Statement Reform) Act 2025* – and seek further information for consideration at a future meeting of Council.

### **PROPOSAL**

It is proposed that Council adopt the S6A – Instrument of Delegation to Council Staff under the *Planning and Environment Act 1987*.

## **CONFLICT OF INTEREST**

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

## **COUNCIL PLAN 2025-29**

While this report does not meet a specific Council Plan strategic objective, it aligns with good governance.

## **GENDER IMPACT ASSESSMENT (GIA)**

Officers understand the requirements in relation to conducting GIA's to ensure Council remains compliant with obligations outlined in the *Gender Equality Act 2020*. The following determination was made:

A Gender Impact Assessment was not conducted as the policy, program or service does not meet the assessment requirement criteria.

## **FINANCIAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNICATION IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **LEGISLATIVE IMPACT**

Delegations reflect the powers, duties and functions that can be delegated under the legislation referred to in the Instrument and facilitates the daily operations of Council.

The S6A– Instrument of Delegation to Council Staff contains delegations of specific powers, duties and functions under the *Planning and Environment Act 1987*.

## **COUNCIL POLICY IMPACT**

This impact has been assessed, and it aligns with Council's Delegations Policy.

## **COUNCIL PLAN IMPACT**

While this report does not meet a specific Council Plan strategic outcome, it aligns with good governance.

## **RESOURCES AND STAFF IMPACT**

Following adoption, all staff with altered or new delegations are notified and Council procedures updated as required.

## **COMMUNITY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENGAGEMENT IMPACT**

The instrument of delegation is a statutory document under the legislation referred to in the S6A– Instrument of Delegation to Council Staff and is based on information supplied by Council's solicitors.

## **RISK MANAGEMENT IMPACT**

The utilisation of Instruments of Delegation and Sub-Delegation allow for the provision of powers to be allocated to relevant council officers to allow them to carry out various duties and actions as an extension of Council.

Delegated Officers must act within their delegation and in accordance with all Council policies and procedures and any relevant legislation.



WELLINGTON  
SHIRE COUNCIL

**S6A INSTRUMENT OF DELEGATION**  
under the *Planning and Environment Act 1987*

# ***INSTRUMENT OF DELEGATION***

***to Members of Council Staff***

## Preamble Instrument of Delegation

In exercise of the powers conferred by the *Planning and Environment Act 1987 (Act)*, the legislation referred to in the attached Schedule, and in accordance with section 188 of the Act, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. declares that:
  - 2.1 this Instrument of Delegation is authorised by a resolution of Council passed on 3 February 2026; and
  - 2.2 the delegation:
    - 2.2.1 comes into force immediately upon resolution and is to be signed by the Chief Executive Officer;
    - 2.2.2 remains in force until varied or revoked;
    - 2.2.3 is subject to any conditions and limitations set out in sub-paragraph 2.3, and the Schedule; and
    - 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts;
  - 2.3 the delegate must not determine the issue, take the action or do the act or thing:
    - 2.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
    - 2.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
      - (a) policy; or
      - (b) strategy
 adopted by Council;
    - 2.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or  
if the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee; and
- 2.4 acknowledges that this delegation only affects the current S6 Instrument of Delegation to members of Council staff to the extent that the provisions in the Schedule are marked as 'amended' or 'repealed' as appropriate.

**Signed** by the Chief Executive Officer of Council     )  
in the presence of:   )

.....  
**Witness name:**

**DAVID MORCOM**  
**Chief Executive Officer**  
**Wellington Shire Council**

Date:     / 02 / 2026

## SCHEDULE



## Planning and Environment Act 1987

PLANNING AND ENVIRONMENT ACT 1987			
Provision	Item Delegated	Delegate	Conditions & Limitations
s 8A(2) ( <i>repealed</i> )	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	-	This provision has been repealed, as of 25 November 2025, and should not be exercised.  Refer to section 231 for treatment of amendments on foot before the repeal of this section.
s 8A(3) ( <i>repealed</i> )	Power to apply to Minister to prepare an amendment to the planning scheme	-	This provision has been repealed, as of 25 November 2025, and should not be exercised.  Refer to section 231 for treatment of amendments on foot before the repeal of this section.
s 8A(5) ( <i>repealed</i> )	Function of receiving notice of the Minister's decision	-	This provision has been repealed, as of 25 November 2025, and should not be exercised.  Refer to section 231 for treatment of amendments on foot before the repeal of this section.
s 8A(7) ( <i>repealed</i> )	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	-	This provision has been repealed, as of 25 November 2025, and should not be exercised.  Refer to section 231 for treatment of amendments on foot before the repeal of this section.
s 8B(2) ( <i>repealed</i> )	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	-	This provision has been repealed, as of 25 November 2025, and should not be exercised.  Refer to section 231 for treatment of amendments on foot before the repeal of this section.
16B	Duty (upon receiving a request to prepare an amendment to the planning scheme) to decide:	1  CEO	

	<p>- to apply to the Minister for authorisation to prepare the amendment, with or without changes, under section 16F, or</p> <p>- to refuse the request.</p> <p><b>Note:</b> see also sections 16A, 16D, 16E and 16K.</p>	<p>724  General Manager Development</p> <p>730  Manager Planning and Building</p> <p>971  Major Projects and Principal Strategic Planner</p> <p>640  Coordinator Strategic Planning</p> <p>656  Strategic Planner</p> <p>706  Strategic Planner</p>	
16C(1)	<p>Duty to give written notice of its decision under section 16B to the person who made the request within 10 business days of making the decision.</p> <p><b>Note:</b> The notice must contain prescribed information, and reasons if it is a refusal.</p>	<p>1  CEO</p> <p>724  General Manager Development</p> <p>730  Manager Planning and Building</p> <p>971  Major Projects and Principal Strategic Planner</p> <p>640  Coordinator Strategic Planning</p>	

		656  Strategic Planner 706  Strategic Planner	
16C(4)	Duty to give a copy of the request and the notice under subsection 16C(1) to the Minister.	1  CEO 724  General Manager Development 730  Manager Planning and Building 971  Major Projects and Principal Strategic Planner 640  Coordinator Strategic Planning 656  Strategic Planner 706  Strategic Planner	
16F	Power to apply to the Minister for authorisation to prepare an amendment to the State standard provisions or the local provisions of a planning scheme in force in the municipal district. <b>Note:</b> see also sections 16G and 16K.	1  CEO 724  General Manager Development 730  Manager Planning and Building 971  Major Projects and	

		Principal Strategic Planner 640  Coordinator Strategic Planning 656  Strategic Planner 706  Strategic Planner	
16F	Power to prepare an amendment to the planning scheme where the Minister has authorised Council to do so under section 16F	1  CEO 724  General Manager Development 730  Manager Planning and Building 971  Major Projects and Principal Strategic Planner 640  Coordinator Strategic Planning 656  Strategic Planner 706  Strategic Planner	
16H	Power to prepare an amendment specified in an application without the Minister's authorisation if no response received after 10 business days <b>Note:</b> see also section 16K.	1  CEO 724  General Manager Development	Does not apply in relation to an application for the preparation of an amendment that will apply to land to which a Suburban Rail Loop planning area declaration applies.

		730  Manager Planning and Building  971  Major Projects and Principal Strategic Planner  573  Coordinator Statutory Planning  656  Strategic Planner  706  Strategic Planner	
16l	Power to apply to the Minister for authorisation to prepare an amendment to any part of the State standard provisions and local provisions of a planning scheme applying to an area adjoining its municipal district.	1  CEO  724  General Manager Development  730  Manager Planning and Building  971  Major Projects and Principal Strategic Planner  640  Coordinator Strategic Planning  656  Strategic Planner  706  Strategic Planner	

16I	<p>Power to prepare amendment to the planning scheme applying to an area adjoining Council's municipal district where the Minister has authorised Council to do so under section 16I.</p> <p><b>Note:</b> see also sections 16D, 16G and 16J.</p>	<p>1  CEO</p> <p>724  General Manager Development</p> <p>730  Manager Planning and Building</p> <p>971  Major Projects and Principal Strategic Planner</p> <p>640  Coordinator Strategic Planning</p> <p>656  Strategic Planner</p> <p>706  Strategic Planner</p>	
23A(2)	<p>Power to:</p> <ul style="list-style-type: none"> <li>- change the amendment in the manner requested;</li> <li>- not change the amendment in the manner requested; or</li> <li>- abandon the amendment or part of the amendment.</li> </ul>	<p>1  CEO</p> <p>724  General Manager Development</p> <p>730  Manager Planning and Building</p> <p>971  Major Projects and Principal Strategic Planner</p>	<p>Where Council is the planning authority.</p> <p>After considering a submission which requests a change to a 'low-impact' amendment (as described in section 16N).</p>

		640  Coordinator Strategic Planning 656  Strategic Planner 706  Strategic Planner	
28(1) (amended)	Duty to notify the Minister if abandoning an amendment, with a copy of any submission considered, and a statement of reasons for the decision.	1  CEO 724  General Manager Development 730  Manager Planning and Building 971  Major Projects and Principal Strategic Planner 640  Coordinator Strategic Planning 656  Strategic Planner 706  Strategic Planner	Note: the power to make a decision to abandon an amendment cannot be delegated
28C	Duty to comply with directions of the Minister after abandoning the amendment with respect to: - providing relevant documentation; and - providing assistance with steps to be taken for the amendment.	1  CEO 724  General Manager Development	

		730  Manager Planning and Building  971  Major Projects and Principal Strategic Planner  640  Coordinator Strategic Planning  656  Strategic Planner  706  Strategic Planner	
48A	Power to notify an applicant that the application is incomplete  <b>Note:</b> The notice must set out any required fees or information, the date for payment or production, and the effect of non-compliance set out in section 48B(1).	1  CEO  724  General Manager Development  730  Manager Planning and Building  971  Major Projects and Principal Strategic Planner  573  Coordinator Statutory Planning  552  Senior Statutory Planner  524  Statutory Planner	Where Council is the responsible authority



		142  Graduate Statutory Planner/Statutory Planner 541  Graduate Statutory Planner/Statutory Planner 149  Coordinator Land Use Planning Support 557  Land Use Planning Support Officer 444  Land Use Planning Support Officer	
48C	Power to refund a fee paid for an application which is void and of no effect under section 48B(1)	1  CEO 724  General Manager Development 730  Manager Planning and Building 971  Major Projects and Principal Strategic Planner 573  Coordinator Statutory Planning	Where Council is the responsible authority

		552  Senior Statutory Planner 524  Statutory Planner 142  Graduate Statutory Planner/Statutory Planner 541  Graduate Statutory Planner/Statutory Planner 149  Coordinator Land Use Planning Support 557  Land Use Planning Support Officer 444  Land Use Planning Support Officer	
96A(2) ( <i>amended</i> )	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	1  CEO 724  General Manager Development 730  Manager Planning and Building 971  Major Projects and Principal Strategic Planner	<p>The request to prepare the amendment must be made under section 16A.</p> <p>Delegate must not agree to consider the application for the permit concurrently with the preparation of the proposed amendment unless it has made a decision under section 16B(a) to apply to the Minister for authorisation to prepare the amendment, with or without changes, under section 16F.</p>

		640  Coordinator Strategic Planning  573  Coordinator Statutory Planning  656  Strategic Planner  706  Strategic Planner	
96Z ( <i>amended</i> )	Duty to keep levy certificates and levy exemption certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	1  CEO  724  General Manager Development  730  Manager Planning and Building  971  Major Projects and Principal Strategic Planner  640  Coordinator Strategic Planning  573  Coordinator Statutory Planning  656  Strategic Planner  706  Strategic Planner	

		149  Coordinator Land Use Planning Support	
158F	Power to make submissions in response to a directions panel	1  CEO 724  General Manager Development 730  Manager Planning and Building 971  Major Projects and Principal Strategic Planner 640  Coordinator Strategic Planning 656  Strategic Planner 706  Strategic Planner	

## 12. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

### 12.1. ROAD EXCHANGE LINK ROAD, LICOLA

#### **ACTION OFFICER: GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT**

#### **PURPOSE**

The purpose of this report is for Council to consider a road exchange by deviating an unused Government Road over land contained in Lot 1 TP892258 in Licola forming the current alignment of Link Road at Licola.

#### **RECOMMENDATION**

##### ***That Council:***

- 1. Pursuant to Section 206 including Clause 2 of Schedule 10 and Section 207A of the Local Government Act 1989, resolve to advertise its intention to undertake a road exchange by deviating the unused Government Road south of Lot 1 TP3067 over the current alignment of Link Road, Licola traversing through Lot 1 TP892258;***
- 2. Place a public notice of the proposed road exchange in a local newspaper and serve a copy of the notice on statutory authorities;***
- 3. Appoint three Councillors <Councillor 1> \_\_\_\_\_, <Councillor 2> \_\_\_\_\_, <Councillor 3> \_\_\_\_\_ plus an alternative representative <Representative> \_\_\_\_\_ to form the 'Link Road Exchange Committee' that is established by Council under section 223(1)(b)(i) of the Local Government Act 1989, to consider written submissions and to hear any persons who in their written submission under section 223 of the Local Government Act 1989, have requested that they be heard in support of their submission; and***
- 4. In the event that there are no submissions, resolve to place a notice in the Victoria Government Gazette and authorise the Chief Executive Officer to sign and seal any documents to facilitate the road exchange.***

#### **BACKGROUND**

Link Road, located at Licola, is currently listed on Council's Register of Public Roads and maintained under the Road Management Plan, however investigations have confirmed that the road does not hold formal tenure and, for most of its length, traverses private freehold land (Lot 1 on TP892258), with the remainder passing through Crown land.

This matter was brought to Council's attention by the property owner in early 2025 during the finalisation of a family estate and associated property transfers. Subsequent research identified two registered survey plans dated 1950 and 1964. These plans indicate that the surveyed alignment of Link Road was established to provide a connection between Target Creek Road and Licola–Jamieson Road, primarily to support the expansion of the timber industry. A note dated 12 January 1962 suggests that the alignment of Link Road was never formally transferred from the freehold title. It appears that while the State Government

completed the transfer process for Licola–Jamieson Road (a state-controlled road), responsibility for formalising Link Road’s tenure may have been referred to the former Shire of Maffra. It is not known what correspondence occurred at this time.

To address this, Council proposes to undertake a road deviation process, commonly referred to as a road exchange, under the provisions of the *Local Government Act 1989* and *Local Government Act 2020*. This process will formalise the tenure of Link Road by exchanging land with an unused Government Road. An aerial image showing the current alignment of Link Road and the proposed road exchange area is provided, refer Attachment 12.1.1 - Proposed Link Road Exchange, Licola.

Approval from the Minister administering the *Land Act 1958* is required for a road exchange. Council officers have consulted with the Department of Energy, Environment and Climate Action (DEECA), and formal consent was granted on 2 December 2025 via the Minister’s delegate. A copy of this consent is included, refer Attachment 12.1.2 - Consent for Road Deviation Licola 2-122025.

A detailed road exchange plan is included – refer Attachment 12.1.3 - Road Exchange Plan 2502148, which shows the unused Government Road proposed for closure. The deviation is highlighted in yellow and the land to be exchanged to form Link Road is shown in pink. This plan forms part of the approval provided by DEECA.

## **ATTACHMENTS**

1. Proposed Link Road Exchange, Licola [**12.1.1** - 1 page]
2. Consent for Road Deviation Licola 2-122025 [**12.1.2** - 1 page]
3. Road Exchange Plan 2502148 [**12.1.3** - 2 pages]

## **OPTIONS**

Council has the following options available:

1. Support and progress the road deviation of the unused Government Road through the road exchange process in accordance with this report; or
2. Not agree to the road deviation of the unused Government Road through a road exchange process and abandon the road exchange proposal.

## **PROPOSAL**

That Council:

1. Pursuant to Section 206 including Clause 2 of Schedule 10 and Section 207A of the *Local Government Act 1989*, resolve to advertise its intention to undertake a road exchange by deviating the unused Government Road south of Lot 1 TP3067 over the current alignment of Link Road, Licola traversing through Lot 1 TP892258;
2. Place a public notice of the proposed road exchange in a local newspaper and serve a copy of the notice on statutory authorities;
3. Appoint three Councillors plus an alternative representative to form the ‘Link Road Exchange Committee’ that is established by Council under section 223(1)(b)(i) of the *Local Government Act 1989*, to consider written submissions and to hear any persons who in their written submission under section 223 of the *Local Government Act 1989*, have requested that they be heard in support of their submission; and

4. In the event that there are no submissions, resolve to place a notice in the Victoria Government Gazette and authorise the Chief Executive Officer to sign and seal any documents to facilitate the road exchange.

## **CONFLICT OF INTEREST**

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

## **FINANCIAL IMPACT**

In completing the road exchange Council will incur costs for title office fees, survey and legal costs. It has been agreed with the property owner that no land compensation costs are payable, as such costs have been considered to have been ratified at the time of the original survey and road construction process. The costs outlined can be accommodated within existing budgets.

## **COMMUNICATION IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **LEGISLATIVE IMPACT**

Council's Sale, Exchange and Acquisition of Land Policy outlines the principles in dealing with land transactions. Transactions in this proposal will be performed in accordance with this policy and the relevant provisions of the *Local Government Act 1989*.

## **COUNCIL POLICY IMPACT**

This report on the Road Exchange Link Road, Licola, has been prepared in the context of existing council policies.

## **COUNCIL PLAN 2025-29**

This impact has been assessed and while it does not meet a specific Council Plan strategic outcome, it does align with Council's good governance framework.

## **GENDER IMPACT ASSESSMENT (GIA)**

Officers understand the requirements in relation to conducting GIA's to ensure Council remains compliant with obligations outlined in the *Gender Equality Act 2020*. The following determination was made.

A Gender Impact Assessment was not conducted as the policy, program or service does not meet the assessment requirement criteria.

## **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNITY IMPACT**

There is no identifiable community impact as there will be no identifiable change to the road alignments as seen on the ground. The current alignment of Link Road will continue to be open to public traffic.

## **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENGAGEMENT IMPACT**

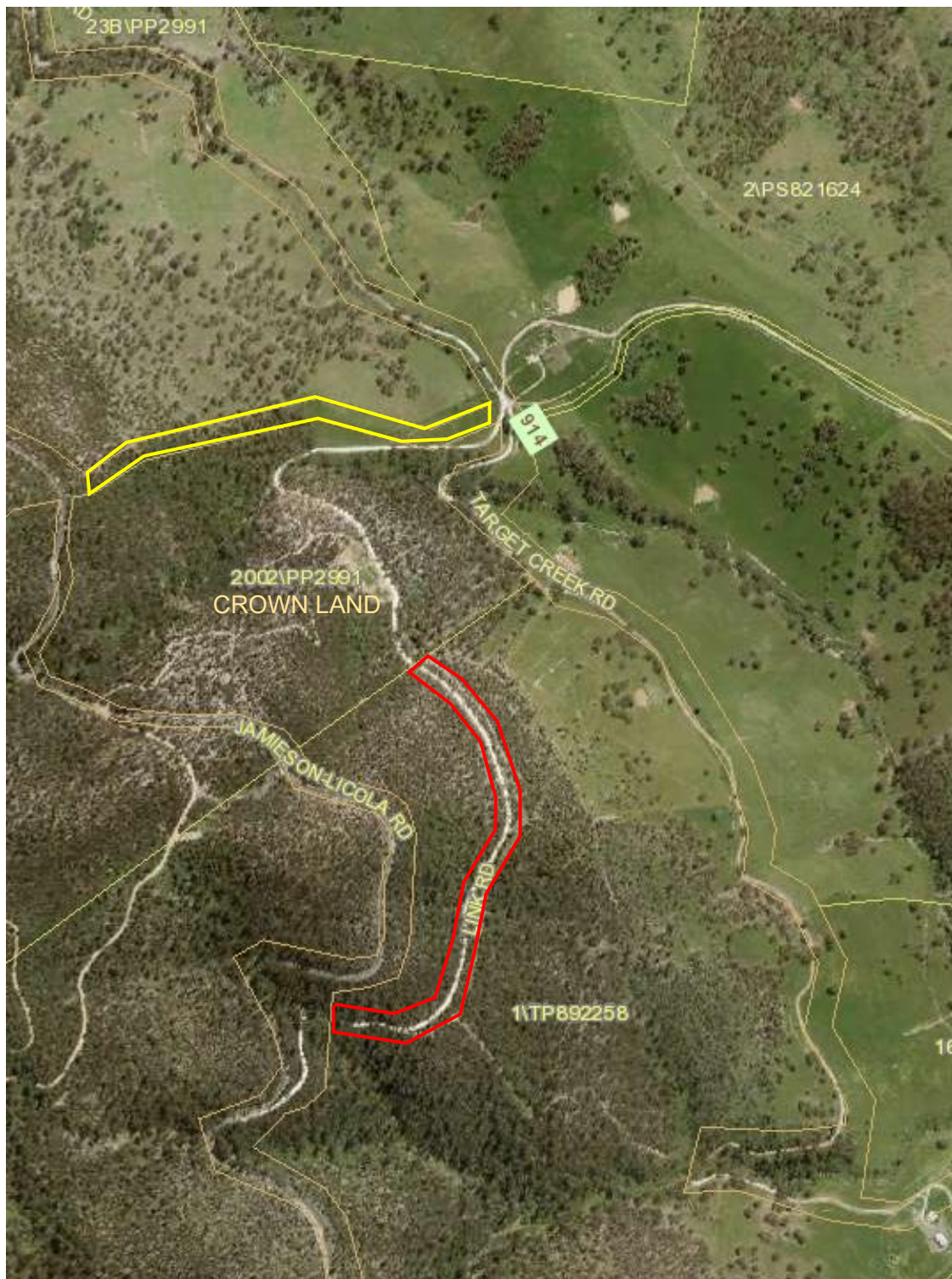
A public notice will be published in the local newspapers and served on statutory authorities.

## **RISK MANAGEMENT IMPACT**

Risk management impacts associated with the recommendations of this report have been addressed. Accordingly, a Licenced Surveyor will undertake survey work and prepare the plan of subdivision for the road deviation. Council's solicitor will prepare the relevant documents and agreements associated with the registration of the road exchange at Land Victoria.



## PROPOSED ROAD EXCHANGE LINK ROAD, LICOLA



GOVERNMENT ROAD TO BE CLOSED AND DEVIATED



ROAD TO BE CREATED



## CONSENT FOR ROAD DEVIATION LOCAL GOVERNMENT ACT 1989

Under Clause 2 (2) of Schedule 10 of the *Local Government Act 1989*, I, Sarah Hendriks, Program Manager, Land and Built Environment, as delegate of the Minister for Energy, Environment and Climate Action, hereby consent to the deviation of a road in the Parish of Licola, shown 'Yellow' on the attached plan, which is government road, to the land shown 'Pink' on the plan, which is not Crown land.

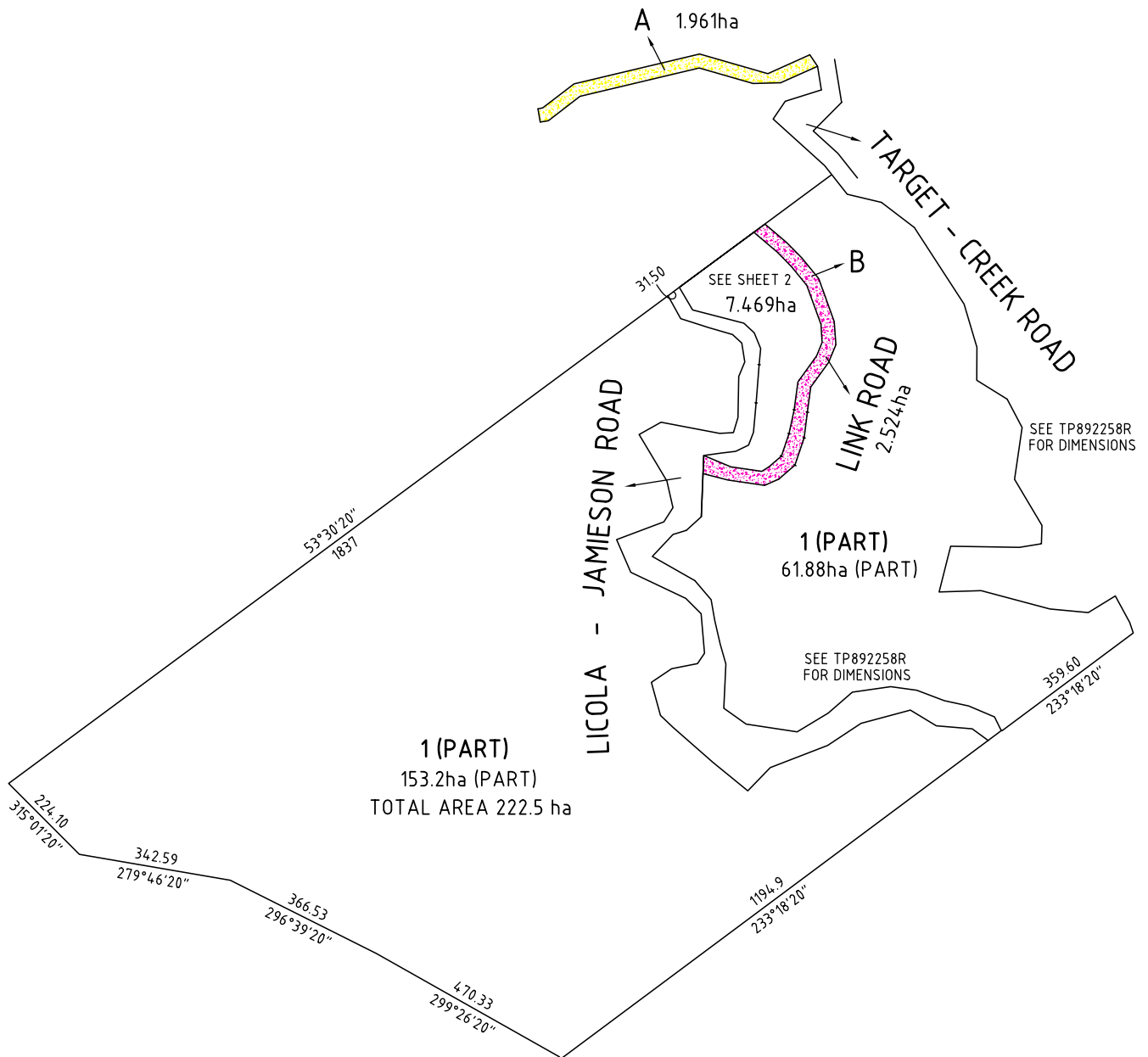
Department correspondence 16L9-6008

Sarah Hendriks  
Program Manager Land and Built Environment  
(As delegate for the Minister of Energy, Environment and Climate Change)

Date : ...2/12/2025.....



SCALE 1:2000	DATE 27/11/25	DRN. JH	CHK. JJ	PROJ. SURV. JJ
REFERENCE/DRAWING NAME 2502148				REV.
ORIGINAL SHEET SIZE: A3 SHEET 1 of 2				3



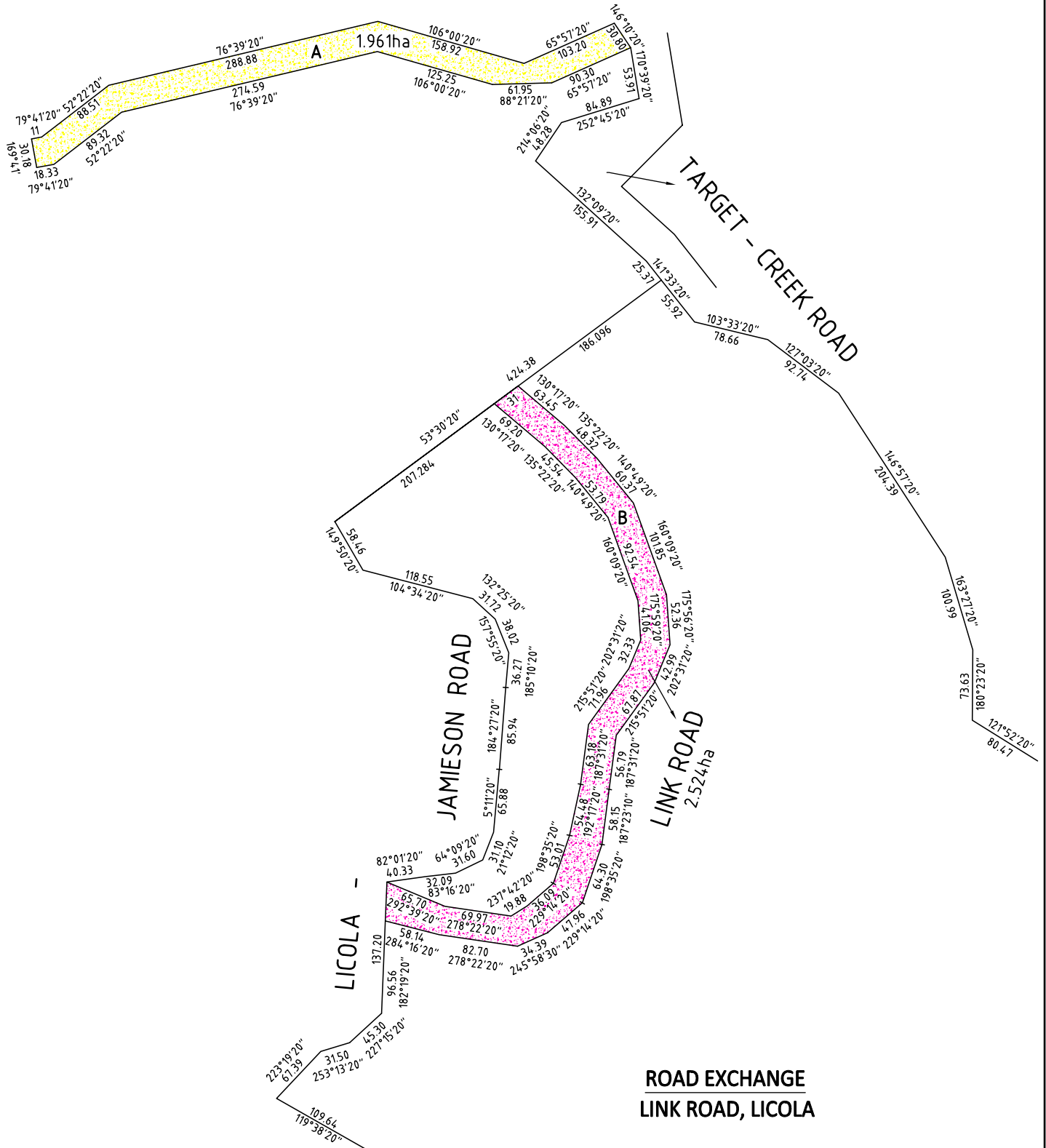
**ROAD EXCHANGE  
LINK ROAD, LICOLA**

- THAT PART OF THE GOVERNMENT ROAD LABELLED 'A' IS TO BE CLOSED & TRANSFERRED
- THAT PART OF THE LAND LABELLED 'B' IS TO BE TRANSFERRED TO WELLINGTON SHIRE COUNCIL AS A ROAD.

NOTE: THIS PLAN IS NOT BASED ON SURVEY & FINAL DIMENSIONS WILL RESULT FROM SURVEY.



SCALE 1:2000	DATE 27/11/25	DRN. JH	CHK. JJ	PROJ. SURV. JJ
REFERENCE/DRAWING NAME 2502148				REV.
ORIGINAL SHEET SIZE: A3				3
SHEET 2				



**NOTE:** THIS PLAN IS NOT BASED ON SURVEY & FINAL DIMENSIONS WILL RESULT FROM SURVEY.

- THAT PART OF THE GOVERNMENT ROAD LABELLED 'A' IS TO BE CLOSED & TRANSFERRED
- THAT PART OF THE LAND LABELLED 'B' IS TO BE TRANSFERRED TO WELLINGTON SHIRE COUNCIL AS A ROAD.

## 13. FURTHER GALLERY AND ONLINE COMMENTS

*Gallery comments are an opportunity for members of the public to raise any particular matter they wish. This allows those in the gallery to speak directly to Councillors but is not a forum designed for open discussion or debate. We will listen respectfully to what you have to say and make the commitment that if your query requires a written response, we will advise you that a response will be forthcoming, and a copy of that response will be circulated to all Councillors.*

*This is not a forum for members of the public to lodge complaints against individuals, including Councillors and staff, particularly as that individual gets no public right of reply to any matter raised. We take complaints seriously, and in line with the guidance from the Victorian Ombudsman and the local Government Inspectorate, we request that any specific complaint against an individual be put in writing. This way, your concern can be properly dealt with while ensuring fairness to all parties concerned.*

*If you wish to speak, we remind you that this part of the meeting is being recorded and broadcast on our website. Council's official Minutes will record that you have spoken to Council and the subject you spoke to Council about but will not record specific comments. We ask you to state your name in full, where you are from, and you have three minutes.*

### ONLINE COMMENTS –

IAN BYE – Query in relation to the issues of abundant habitation of the Ibis birds (aka 'Bin Chickens') at Lake Guthridge.

### FURTHER GALLERY COMMENTS –

Meeting declared closed at:

The live streaming of this Council meeting will now come to a close.



## **14. IN CLOSED SESSION**

### **COUNCILLOR**

*That the meeting be closed to the public pursuant to section 66(2) of the Local Government Act 2020 to consider confidential matters under section 66(5)(b) as defined by section 3(1) being:*

- a) Council business information*
- b) Security information*
- c) Land use planning information*
- d) Law enforcement information*
- e) Legal privileged information*
- f) Personal information*
- g) Private commercial information*
- h) Confidential meeting information*
- i) Internal arbitration information*
- j) Councillor Conduct Panel confidential information*
- k) Information prescribed by the regulations to be confidential information*
- l) Information that was confidential information for the purposes of section 77 of the Local Government Act 1989*

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**IN CLOSED SESSION**

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### **COUNCILLOR**

*That Council move into open session and ratify the decision made in closed session.*

Meeting declared closed at: